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09/862,789	09/21/2001	Sunday Orhomura	06-0713-SOR.RA	8994
29043 7590 05/11/2009 WILLIAMSON INTELLECTUAL PROPERTY LAW, LLC 1870 THE EXCHANGE, SUITE 100 ATLANTA, GA 30339				
EXAMINER				
JACOBS, LASHONDA T				
ART UNIT		PAPER NUMBER		
2457				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

09/862,789

**Applicant(s)**

ORHOMURU, SUNDAY

**Examiner**

LASHONDA T. JACOBS

**Art Unit**

2457

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Notice of Information Disclosure Statement(s) (PTO/SB/08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

This is a Final Office Action in response to Applicant's Amendment filed on March 17, 2009.

Claims 5-11 are presented for further examination.

***Claim Rejections – 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims **5-8** are rejected under 35 U.S.C. 102(e) as being anticipated by Xu et al (hereinafter, “Xu”, U.S. Pub. No. 2002/0073076).

As per claim **5**, Xu discloses a method for data transfer or transferring data, said method comprising the steps of:

- obtaining a wireless mobile device, wherein said wireless mobile device comprises a browser selected from the group consisting of WAP browsers and any other wireless mobile device browsers (paragraphs 0030 and 0035, Xu discloses client computer that may be a Palm Pilot or a browser-equipped cellular telephone that may be interface with wireless application protocol);
- selecting an operation from the group consisting of accessing data selected from the group consisting of data files and database files via said browser both online and offline,

searching data selected from the group consisting of data files and database files via data files and database files via said browser both online and offline, posting data selected from the group consisting of data files and database files via said browser both online and offline, updating data selected from the group consisting of data files and database files via said browser both online and offline, deleting data selected from the group consisting of data files and database files via said browser both online and offline, and combinations thereof (paragraphs 0031, 0034, 0038, and 0046-0047, Xu discloses a user creating, adding, deleting, updating, searching database files);

- utilizing said wireless mobile device to access a computer on a very secure environment with data integrity (paragraphs 0030, 0031, 0034-0035, 0037-0039, Xu discloses a client computer which may be a browser-equipped cellular telephone accessing a computer); and
- performing said selected operation (paragraphs 0031, 0034, 0038, and 0046-0047, Xu discloses a user creating, adding, deleting, updating, searching database files).

As per claim 6, Xu discloses a method for accessing, searching, posting, updating and deleting information selected from the group consisting of any type of data files and database files, said method comprising the steps of:

- obtaining a wireless mobile device, wherein said wireless mobile device comprises a browser selected from the group consisting of WAP browsers and any other wireless mobile device browser (paragraphs 0030 and 0035, Xu discloses client computer that may be a Palm Pilot or a browser-equipped cellular telephone that may be interface with wireless application protocol);

- utilizing said wireless mobile device to access a computer on a very secure environment with data integrity (paragraphs 0030, 0031, 0034-0035, 0037-0039, Xu discloses a client computer which may a browser-equipped cellular telephone accessing a computer); and
- performing said selected operation (paragraphs 0031, 0034, 0038, and 0046-0047, Xu discloses a user creating, adding, deleting, updating, searching database files); and
- performing an operation selected from the group consisting of accessing information, searching information, posting information, updating information, deleting information, and combinations thereof, said information being selected from the group consisting of any type of data files and database files (paragraphs 0031, 0034, 0038, and 0046-0047, Xu discloses a user creating, adding, deleting, updating, searching database files).

As per claim 7, Xu further discloses:

- performing said operation online (paragraphs 0031, 0034, 0038, and 0046-0047, Xu discloses a user creating, adding, deleting, updating, searching database files).

As per claim 8, Xu further discloses:

- performing said operation offline (paragraphs 0031, 0034, 0038, and 0046-0047, Xu discloses a user creating, adding, deleting, updating, searching database files) .

### ***Claim Rejections – 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Xu in view of Haynes et al (hereinafter, "Haynes", U.S. Pat. No. 7,110,968)

As per claim 9, Xu discloses the invention substantially as claims discussed above.

However, Xu does not explicitly disclose:

- utilizing a WAP Shopping Site having a catalog system, wherein said WAP Shopping Site allows displaying, browsing, and searching of products with a WAP shopping cart, and wherein said WAP shopping cart allows visitors to add, view, and delete items ordered and allows visitors to check out;
- upon checkout, presenting said visitors with a secure page to supply their personal information;
- providing 24 Hour a Day, 7 Days a Week Support System for feedback and communications; and
- utilizing a database for storage of said information.

Haynes discloses a method for managing an electronic-commerce shopping cart comprising:

- utilizing a WAP Shopping Site having a catalog system, wherein said WAP Shopping Site allows displaying, browsing, and searching of products with a WAP shopping cart, and wherein said WAP shopping cart allows visitors to add, view, and delete items ordered and allows visitors to check out (abstract, col. 3, lines 20-37 and col. 4, lines 34-50; Haynes teaches a user accessing an online shopping website with a WAP browser that allows the shopper to browse, add, change and remove items in a shopping cart);
- upon checkout, presenting said visitors with a secure page to supply their personal information (abstract, col. 3, lines 20-37 and col. 4, lines 34-50; Haynes teaches a user

accessing an online shopping website with a WAP browser that allows the shopper to browse, add, change and remove items in a shopping cart);

- providing 24 Hour a Day, 7 Days a Week Support System for feedback and communications (abstract, col. 3, lines 20-37 and col. 4, lines 34-50); and
- utilizing a database for storage of said information (abstract, col. 3, lines 20-37 and col. 4, lines 34-50)..

Given the teaching of Haynes, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Xu to include access to an online shopping website to allow a user to browse, add and remove products/items to a shopping cart in a timely and efficient manner thereby providing a system for easy and flexible shopping.

As per claim 10, Xu discloses,

- wherein said database is selected from the group consisting of an Access Database, a SQL Server, and an Oracle Server (paragraph 0032)

As per claim 11, Xu discloses the invention substantially as claims discussed above.

However, Xu does not explicitly disclose:

- allowing computer access to said WAP Shopping Site via a computer.

Haynes discloses a method for managing an electronic-commerce shopping cart comprising:

- allowing computer access to said WAP Shopping Site via a computer (abstract, col. 3, lines 20-37 and col. 4, lines 34-50; Haynes teaches a user accessing an online shopping website with a WAP browser that allows the shopper to browse, add, change and remove items in a shopping cart);

Given the teaching of Haynes, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Xu to include access to an online shopping website to allow a user to browse, add and remove products/items to a shopping cart in a timely and efficient manner thereby providing a system for easy and flexible shopping.

***Response to Arguments***

5. Applicant's arguments filed March 17, 2009 have been fully considered but they are not persuasive.

**The Office Notes the following arguments:**

a. Applicant's invention, to the contrary, requires only a server-based application that is accessed by any type of browser on the mobile device. No database search engine is required to be installed on the mobile device and data is not stored on the mobile browser in a database thereon, as is required by Xu et al. '076. The only requirement of Applicant's mobile device is that it can access the Internet. Further, Xu et al. '076 must load the database files on the mobile device before an operation can be performed. That is why Xu et al. '076 requires the database search engine to be installed on the mobile device. Because Xu et al. '076 requires a database search engine installed on the mobile device a lack of such (as is the case with Applicant's invention) would result in a lack of functionality of the device of Xu et al. '076.

**In response to:**



a. Applicants argue that applicant's invention to the contrary requires only a server based application that is accessed by any type of browser on the mobile device no database search engine is required to be installed on the mobile device and data is not stored on the mobile browser in a database thus the only requirement of the Applicant's mobile device is that it can access the Internet. Since Xu et al requires the database search engine to be installed on the mobile a lack of search (as is the case Applicant's invention) would result in lack of functionality of the device of Xu et al. However, the examiner disagrees. The mobile device in Xu et al is able to access the internet and perform search queries. The database search engine is only downloaded to the mobile device when the client is working offline. Thus the client of the mobile device in Xu et al is able to perform user create, add, delete, update and search database files online and offline (paragraphs 0031, 0034, 0038, 0046-0047 and 0051). Therefore, Xu et al teaches the applicant's claimed invention.

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LASHONDA T. JACOBS whose telephone number is (571)272-4004. The examiner can normally be reached on 8:30 A.M.-5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/LaShonda T Jacobs/  
Primary Examiner, Art Unit 2457

ltj  
May 8, 2008